

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
NOVEMBER 3, 1976

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, November 3, 1976 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - EHRHARDT, KATNICH,
KATZAKIAN,
PINKERTON and HUGHES
(Mayor)

Absent: Councilmen - None

Also Present: City Manager Graves, Assistant
City Manager Glenn, Public Works Director
Ronsko, Community Development Director
Schroeder, City Attorney Mullen(arrived 8:02 p.m.)
and City Clerk Reimche

INVOCATION

The invocation was given by Reverend Vernon
Robertson, Grace Presbyterian Church.

PLEDGE

Mayor Hughes led the Pledge of Allegiance to the
flag.

FLORA ST. ST.
LT. DISTRICT
ASSESSMENT
CONFIRMED

Notice thereof having been mailed to the property
owners and also published and posted in accordance
with law, Mayor Hughes called for the public hearing
on the assessment for the Flora Street Street Light-
ing District.

RES. NO. 4272

Questions regarding the amount of the assessments
in said district were raised by Mr. Rudolph E. Lux,
225 Flora Street, Lodi.

Mr. W. G. Koehler, 900 Tara Place, Lodi, who
owns the parcel in this street light district located
at 417 S. Washington Street asked if it would be
possible for larger lamps to be installed in the
light standards. Mr. Koehler also complained that
he felt unnecessary damage had been done by the
contractor during the construction of the light
standards and also that the reseeding of lawn in the
area had not been done properly.

Questions regarding Mr. Koehler's complaints were
directed by Council to the Staff. Discussion followed
with Council requesting that Staff provide Council
with a report on Mr. Koehler's complaints of poor
workmanship, and lack of lighting on this project.

There were no other persons in the audience wishing
to speak on the matter and the public portion of the
hearing was closed.

FLORA ST. ST.
LT. DISTRICT
ASSESSMENT
CONFIRMED

RES. NO. 4272
(Continued)

On motion of Councilman Katnich, Katzakian second, the City Council adopted Resolution No. 4272 confirming the assessment for the Flora Street Street Lighting District.

PLANNING
COMMISSION

The City Manager gave the following report of the Planning Commission meeting of October 25, 1976:

ITEMS OF
INTEREST

The Planning Commission -

1. Determined that a hardship did not exist and denied the request of Mr. A. F. Gooder for a Variance to reduce the required driveway length from 20 feet to 15 feet to permit the addition of a second unit to an existing single-family dwelling on a corner lot at 1320 South Crescent Avenue in an area zoned R-2, Single-Family Residential.

2. Determined that the City's present requirements which restrict commercial amusement enterprises to the C-2, Commercial District was adequate and in line with the practice in other cities.

3. Approved the by-laws and Articles of Incorporation of the Rivergate Mokelumne Owners' Association with the condition that they be modified to include the comments of the City Attorney and State Department of Fish and Game.

4. Received the Final Report on the Mokelumne River Study and set public hearings (1) to amend the F-P, Floodplain District to conform with the Open Space-Conservation Element of the General Plan and (2) to consider recommending means of controlling the speed of motor boats in the Mokelumne River adjacent to the City Limits.

REQUEST TO
SUPPORT ESTAB-
LISHMENT OF A
ZONE UNDER S. J.
CO. FLOOD
CONTROL & WATER
CONSERVATION
DISTRICT

City Manager Graves apprised the Council that the Board of Directors of the East San Joaquin Water Users Association had directed a letter to the San Joaquin County Board of Supervisors which reads in part as follows:

"It is the opinion of the Board of Directors of our Association that there should be a comprehensive study of how Folsom South Water can best be put to use in eastern San Joaquin County and how the cost can best be apportioned. At this time a committee of our Association is developing the scope and terms of the study and how the study may best be undertaken and we expect in due course to make recommendations to you as to those matters. Meanwhile, we feel that it is important that a vehicle be established to permit financing

Minutes of November 3, 1976, continued

REQUEST TO
SUPPORT ESTAB-
LISHMENT OF A
ZONE UNDER S. J.
CO, FLOOD CONTROL
& WATER
CONSERVATION
DISTRICT
(Continued)

11-11(2)

of the study. In reviewing possibilities, our Association has concluded that the best method of fairly financing such a study which would encompass existing Districts and the unorganized territory within the Folsom South service area, would be by creation of a Water Conservation Zone under the San Joaquin County Flood Control and Water Conservation District."

The letter goes on to say that they feel it is important that the zone be established during this calendar year.

Councilman Pinkerton stated that he doesn't feel "we" should put out any more money for something "we" are already paying for.

A lengthy discussion followed on the matter and of the point raised by Councilman Pinkerton.

At the Mayor's suggestion, it was requested that Mr. Stewart Adams of the North San Joaquin Water Conservation District be contacted to ask that a representative of that Association address the Council with an update of the matter in general and to answer Council's questions regarding the subject.

A LETTER OF
APPRECIATION
REC'D FOR
COUNCILMAN
PINKERTON

Mayor Hughes presented a letter which he had received from Mr. Charles R. Duncan, an instructor for Deuel Vocational Institution in which Mr. Duncan expressed his appreciation for all of the assistance that Councilman Pinkerton has given to his class and to him in allowing them to view his foundry operations. Mr. Duncan stated that he certainly feels that Councilman Pinkerton has exceeded his civic duties in extending courtesies to the Deuel Vocational Institute.

COMPLAINT RE
ALLEY INTERSEC-
TION BETWEEN
MAIN AND
STOCKTON

Mayor Hughes stated that a letter had appeared in the Lodi News Sentinel November 3, 1976 edition in the "Letters to the Editor". The letter was from a Kathy Knutsen who complained that she had written to the paper several months before concerning an alley intersection between Main and Stockton Street. Following Council inquiry, Staff indicated that the City had not received a letter from Ms. Knutsen on the matter. Mayor Hughes asked that Staff investigate the matter to see if in fact there had been any accidents at that location and to see if there is anything that can be done about the situation.

SWEEPING
REVISIONS TO
HOUSING ELEMENT
GUIDELINES PRO-
POSED BY STATE
DIRECTOR OF
HOUSING &
COMMUNITY
DEVELOPMENT

City Manager Glaves reported that the State Director of Housing and Community Development has proposed to adopt regulations governing the preparation and administration of local housing elements, which would replace present state housing element guidelines adopted in 1971. Initial city review of this document indicates major negative reaction to it on the part of reviewing officials. The League of California Cities has reported that initial comments have indicated that this document is, in effect, a state mandate under which the local housing element would become the tail wagging the body of the local planning process.

REVISIONS TO
HOUSING ELEMENT
GUIDELINES
PROPOSED
(Continued)

Minutes of November 3, 1976, continued

The document according to the League assumes legal authority on the part of the Director to mandate major staff, fiscal, and process requirements on cities not presently found in statutes, and to impose those regulations without any responsibility for local cost reimbursement by the state.

Among the major problem areas preliminarily identified are the following:

- . A requirement that cities must assume responsibility for "making adequate provision" for housing needs not only in their city but also of the "market area population."
- . Authorization for the State Director of Housing and Community Development to prepare (or delegate the preparation of) a "fair share allocation plan" that would allocate to each city a "fair share" of the "regional low-and moderate-income housing need."
- . Extensive requirements for cities to develop a local housing data base with detailed provisions for what must be included in that data base and how it would have to be used locally.
- . A requirement, consisting of numerous and detailed state-imposed mandates that each city must "... alleviate identified need ... and remedy the housing problem." (No partnership role or responsibility of federal or state government is included.)
- . A mandate that cities give "maximum feasible priority" to "low-or moderate-income families," regardless of where the actual (as distinct from state perceived) housing needs of the city lie.
- . Extensive and detailed mandates for the contents and use of not only the local housing element but also the local land use element, and a specific requirement that all general plan elements must be consistent with the housing element.
- . Extensive and specific requirements for new local devices for "community involvement" which do not recognize existing local public participation mechanisms and which, among other things, require formation of a new and on-going "citizens committee" to prepare the local housing element. (The relationship of this committee to existing local planning and housing advisory bodies is not discussed.)
- . A mandate for review, evaluation and monitoring of all local housing elements by the State Department of Housing and Community Development.
- . A specific disclaimer against state reimbursement for new local cost mandates imposed by the guidelines.

Minutes of November 3, 1976, continued

REVISIONS TO
HOUSING ELEMENT
GUIDELINES
PROPOSED
(Continued)

Council was apprised that hearings on the proposed revised guidelines are set for November 5 in Los Angeles and for November 8 in San Francisco.

The League of California Cities urges that because of the extremely short time afforded for review and comment on this document, and because of the major social and economic impact that it may have on every city, it is urgent that this document be fully responded to by as many cities as possible and suggested that such response may take one or all of the following forms:

1. Attendance at and participation in the November 5 and 8 hearings.
2. Communication of your individual city response not only to the Director of HCD but directly to the Governor as well.
3. A briefing of your state legislative delegation and local media on the impact of this proposal on your local planning, housing and fiscal processes and programs.
4. An analysis of the local cost impact of the proposals.

Lengthy discussion followed with questions regarding the matter being directed to the Staff.

Community Development Director Schroeder reported that a letter had been sent to Mr. Arnold Sternberg, Director of the Department of Housing and Community Development informing him of the City of Lodi's intention to give testimony at the November 8 hearing in San Francisco. Both Mayor Hughes and Community Development Director Schroeder indicated they are planning to attend this hearing. The letter to Mr. Sternberg also related that the City of Lodi feels that the proposed revisions assume legal authority on the part of Mr. Sternberg's department to mandate major staff, fiscal and process requirements on cities not presently found in the statutes and to impose those regulations without any responsibility for local cost reimbursement by the State.

CALIF. TAX REFORM
SEMINAR TO BE HELD

Council was apprised by Mayor Hughes of a California Tax Reform Seminar to be held December 8 and 9 in Sacramento.

CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, the following actions hereby set forth between asterisks, on motion of Councilman Pinkerton, Katnich second, were approved by the Council.

Minutes of November 3, 1976, continued

CLAIMS

CLAIMS WERE APPROVED IN THE AMOUNT
OF \$363,184.03.

AWARD - CONTRACT
FOR "TRUCK
MOUNTED SEWER LINE
CATCH BASIN CLEANER

Per report of the City Manager, bids were
received for a "Truck Mounted Sewer Line
Catch Basin Cleaner" as follows:

	<u>BIDDER</u>	<u>AMOUNT</u>
RES. NO. 4273	Interstate International, Inc.	\$76,796.25
	Heil Equipment Co.	\$78,666.58
	Geweke Ford	\$79,677.39

Report and recommendation of the City
Manager indicated that the award be made to the
low bidder, Interstate International, Inc. in the
amount of \$76,796.25.

RESOLUTION NO. 4273

RESOLUTION AWARDING THE CONTRACT FOR
A "TRUCK MOUNTED SEWER LINE CATCH
BASIN CLEANER" TO INTERSTATE
INTERNATIONAL, INC., THE LOW BIDDER, IN
THE AMOUNT OF \$76,796.25.

"NO PARKING" ZONE
ESTABLISHED NORTH
SIDE OF KETTLEMAN,
EAST OF FAIRMONT

RES. NO. 4274

City Manager Graves reported that motorists
traveling south on Fairmont Avenue and attempting
to turn left onto Kettleman Lane have complained
that parked vehicles near the intersection obstruct
their view of Kettleman Lane traffic. The City
Manager recommended that Council adopt a
resolution establishing a "No Parking" zone on the
north side of Kettleman Lane east of Fairmont
Avenue.

RESOLUTION NO. 4274

RESOLUTION ESTABLISHING A "NO PARKING"
ZONE ON THE NORTH SIDE OF KETTLEMAN
LANE EAST OF FAIRMONT AVENUE.

RES. ESTABLISHING A
"NO PARKING" ZONE
ON WEST SIDE OF
MILLS AVENUE NEAR
LAKE STREET

RES. NO. 4275

Council was apprised by the City Manager that
officials at General Mills have received complaints
from a number of their employees that when
vehicles (especially large trucks), park immediately
north of the driveway, their view of southbound
traffic on Mills Avenue is obstructed. The City
Manager recommended that Council adopt a resolu-
tion establishing a "No Parking" zone on the west
side of Mills Avenue near Lake Street.

RESOLUTION NO. 4275

RESOLUTION ESTABLISHING A "NO PARKING"
ZONE ON THE WEST SIDE OF MILLS AVENUE
NEAR LAKE STREET.

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R/W CERTIFICATE
FOR LODI AVE, FROM
W.I.D. TO CABRILLO
CIRCLE APPROVED

RES. NO. 4276

City Manager Graves proposed Council adoption of a resolution authorizing the Mayor to execute the Right-of-way Certificate for the "Lodi Avenue Street Improvements, W.I.D. Canal to Cabrillo Circle". Mr. Graves further advised that this is one step in the processing of the "Lodi Avenue Street Improvements" under the Urban "D" funding program and essentially states that the right-of-way is existing and that no additional right-of-way will be required for the improvement. The State is asking to hold them harmless for any liability which may result in the event the right-of-way is not clear as certified.

RESOLUTION NO. 4276

RESOLUTION APPROVING RIGHT-OF-WAY
CERTIFICATE FOR THE "LODI AVENUE STREET
IMPROVEMENTS, W.I.D. CANAL TO CABRILLO
CIRCLE AND AUTHORIZING THE MAYOR TO
EXECUTE SAME.

AWARD - STOCKTON
ST. IMPROVEMENTS
& CENTURY BLVD.
AND BECKMAN ROAD
SANITARY SEWER

The City Manager presented bids which had been received for Stockton Street Improvements and Century Boulevard and Beckman Road Sanitary Sewer as follows:

RES. NO. 4277

<u>BIDDER</u>	<u>AMOUNT</u>
Ernest E. Pestana, Incorporated	\$485,480.00
Teichert Construction Co.	\$488,789.40
McGaw Company	\$499,636.50
Claude C. Wood Co.	\$506,590.70
McQuire and Hester Co.	\$510,332.60
W. M. Lyles Company	\$516,000.00
Western Pipe Lines Company	\$522,864.60
M.G.M. Construction Company	\$541,447.10

City Manager Graves recommended that the award be made to Ernest E. Pestana, Incorporated, the low bidder, in the amount of \$485,480.00 subject to approval of the Economic Development Agency.

On motion of Councilman Ehrhardt, Katnich second, Council adopted Resolution No. 4277 awarding the bid for "Stockton Street Improvements and Century Boulevard and Beckman Road Sanitary Sewer" (EDA Project) to Ernest E. Pestana, Incorporated, the low bidder, in the amount of \$485,480.00 subject to approval of the Economic Development Agency.

SPECS FOR COMPACT
CAR FOR PUBLIC
WORKS APPROVED

Specifications for one compact car to replace Car 58 presently used by the Public Works Project Officer were presented for Council's approval.

Following discussion, Councilman Katzakian moved that Council approve the specifications for one compact car for the Public Works Department and authorize the Purchasing Agent to advertise for bids thereon. The motion was seconded by Councilman Ehrhardt and carried by unanimous vote.

AGREEMENT WITH
W.I.D. RE BOX
CULVERT AT LODI
AVENUE

RES. NO. 4278

APPROVAL OF
SUNWEST, UNIT
NO. 2

Minutes of November 3, 1976, continued

Council was apprised by the City Manager that the Council has previously approved a F.A.U. project for widening of the box culvert at Lodi Avenue and the W.I.D. Canal and the reconstruction of Lodi Avenue between Cabrillo Circle and Westgate Shopping Center. In order to do this work, it is necessary to enter into an agreement with the Woodbridge Irrigation District covering the work. In addition to building a new box culvert, the water line and storm drain are being relocated and facilities are being installed for the future installation of telephone and power lines. The culvert will be widened to provide for the ultimate street widening. Under the proposed Agreement, the City will assume full responsibility and cost for construction and maintenance, holding W.I.D. free and harmless of liability and providing them with certain liability insurance.

On motion of Councilman Ehrhardt, Katnich second, Council adopted Resolution No. 4278 approving an agreement between the City of Lodi and the Woodbridge Irrigation District thereby granting the City of Lodi permission for a vehicular and pedestrian crossing at Lodi Avenue of a canal under the jurisdiction of W.I.D., together with water, storm and electric lines at a specified location of the south branch of the main canal, and authorized the Mayor to execute the agreement.

City Manager Graves requested Council approval of the final map, the improvement plans and the improvement securities for Sunwest, Unit No. 2 advising that this is a subdivision of approximately 12.3 acres lying west of Sunwest, Unit No. 1 between Cochran Road and Vine Street. The developers, Chris R. Keszler and George E. Ferrero, have completed all of the requirements specified by the Planning Commission in the approval of the tentative map. The subdivision is zoned R-1 and contains 48 single-family lots. The tentative map was renewed on August 23, 1976. The tentative map was originally approved prior to the sanitary sewer problems developing at the White Slough Water Pollution Control Plant and, as such, is acceptable to the Public Works Department.

Council was advised that the City of Lodi has no further need for property in this area which had been conveyed to the City by John F. Capell, et al for use as a storm drainage pond and for surface water drainage. City Manager Graves requested Council's authorization for the Mayor and City Clerk to execute a Quitclaim Deed from the City to John F. Capell, et al so that the City will no longer have any interest in this property.

Discussion followed with questions regarding the matter being directed to Staff by the Council.

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APPROVAL OF
SUNWEST, UNIT
NO. 2 (Continued)

11-46

On motion of Councilman Katnich, Ehrhardt second, Council approved the final map, the improvement plans and the improvement securities for Sunwest, Unit No. 2, and directed the City Manager to sign the Subdivision Agreement, the Electrical Utility Agreement, the Sanitary Sewer Extension Reimbursement Agreement, and the Water Extension Reimbursement Agreement.

QUITCLAIM DEED BY
CITY APPRVD FOR
CAPELL STORM
DRAINAGE POND

RES. NO. 4279 11-46

On motion of Councilman Katnich, Pinkerton second, Council adopted Resolution No. 4279 authorizing the Mayor and City Clerk to execute a Quitclaim Deed from the City of Lodi to John F. Capell et al so that the City of Lodi will no longer have any interest in the property used as a storm drainage pond and for surface water drainage as described by City Manager Graves.

AGREEMENT & LEASE
ON VAN RUITEN PAR-
CEL ADJACENT TO
W.S.W.P.C.P.
APPROVED

RES. NO. 4280 11-46

City Manager Graves presented for Council approval an Agreement between the City of Lodi and Mr. Bert Van Ruiten covering the City's acquisition from Mr. Van Ruiten of a 234.7 acre parcel adjacent to the White Slough Water Pollution Control Plant. A lease agreement whereby the City is leasing the parcel back to Mr. Van Ruiten for a 5-year period with an option to renew the lease after that period was also presented for Council approval by the City Manager. Conditions of the Agreement and the Lease were outlined by Staff, with questions regarding the matter being posed by the Council.

Following discussion, on motion of Councilman Katnich, Pinkerton second, Council adopted Resolution No. 4280 approving Agreement between the City of Lodi and Mr. Bert Van Ruiten covering the City's acquisition from Mr. Van Ruiten of a 234.7 acre parcel adjacent to the White Slough Water Pollution Control Plant and also approving a Lease between the City and Mr. Van Ruiten whereby the City is leasing this parcel to Mr. Van Ruiten for a period of 5 years with an option to renew the lease after that period.

EXECUTIVE SESSION

The City Council recessed at 9:30 p.m. to Executive Session to discuss the City's bargaining posture regarding the conversion from Social Security to the Public Employees Retirement System.

Upon request, the City Clerk was excused from attending the Executive Session by Mayor Hughes.

Council reconvened from the Executive Session at 10:50 p.m.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hughes adjourned the meeting at approximately 10:51 p.m.

Alice M. Reimche
Attest: ALICE M. REIMCHE
City Clerk